

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL WHITFIELD,

Plaintiff

Case No. 3:23-cv-00123-MMD-CSD

ORDER

v.

J. KEAST, *et al.*,

Defendants

On March 21, 2023, Plaintiff Michael Whitfield, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil-rights complaint under 42 U.S.C. § 1983 and filed an incomplete application to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1-1, 1). Plaintiff’s IFP application is not complete because he did not submit a financial certificate on the Court’s approved form and failed to include an inmate trust fund account statement for the previous six-month period with his application. (See ECF No. 1).

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Local Rule LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Local Rule LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the

1 filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C.
2 § 1915(b).

3 IT IS THEREFORE ORDERED that Plaintiff has **until May 26, 2023**, to either pay
4 the full \$402 filing fee or file a completed financial certificate on the Court's approved form
5 that is signed both by the inmate and the prison or jail official and a copy of the inmate's
6 trust fund account statement for the previous six-month period. If Plaintiff has not been at
7 the NDOC facility for a full six-month period, he must still submit a financial certificate and
8 an inmate account statement for the dates he has been at the facility.

9 IT IS FURTHER ORDERED that this action will be subject to dismissal without
10 prejudice if Plaintiff fails to either pay the full filing fee or file the required financial
11 documents **by May 26, 2023**. A dismissal without prejudice allows Plaintiff to refile his
12 claims with the Court, under a new case number, when he can either pay the full \$402
13 filing fee or properly apply to proceed *in forma pauperis*.

14 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff Whitfield
15 the approved form application to proceed *in forma pauperis* for an inmate and instructions
16 for the same, and will retain the complaint (ECF No. 1-1) but not file it at this time.

17 DATED: March 27, 2023

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UNITED STATES MAGISTRATE JUDGE